

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UBIQUITI NETWORKS, INC.,
Plaintiff,

-vs-

CAMBIUM NETWORKS, INC.,
CAMBIUM NETWORKS, LTD.,
BLIP NETWORKS, LLC, WINNCOM
TECHNOLOGIES, INC., SAKID
AHMED, and DMITRY MOISEEV,

Defendants.

Case No. 18 C 5369

Chicago, Illinois
December 11, 2018
9:10 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE GARY FEINERMAN

APPEARANCES:

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1 MR. BERTIN: That's something in our code, but it's
2 not in their code; but they commit copyright infringement
3 every time they publicly perform or publicly display our user
4 interface after breaching --

5 THE COURT: And that's alleged in the complaint?

6 MR. BERTIN: That's alleged in the complaint.

7 THE COURT: And then in terms of the configuration
8 code and the calibration code, this is something that you're
9 saying that Cambium incorporated into its own code?

10 MR. BERTIN: Yes. Yeah, they directly copied the
11 configuration --

12 THE COURT: So, we have the public performance of the
13 proprietary user interface during the webinars or the
14 seminars?

15 MR. BERTIN: Right, right.

16 THE COURT: And is there anything else that your
17 complaint alleges that is publicly performed but not
18 incorporated in the Cambium software?

19 MR. BERTIN: In terms of the public performance
20 rights, that's the main thing.

21 THE COURT: Okay. So, that's one bucket, and there's
22 one item in that bucket, which is proprietary user interface.
23 The second bucket is your code that you say Cambium
24 incorporates into its own code, but your code is not covered
25 by the GPL. And you've given me two examples, the

1 configuration code and the calibration code. Yes?

2 MR. BERTIN: Yes.

3 THE COURT: Are there any other examples?

4 MR. BERTIN: Yeah. Another example is the
5 proprietary AirMAX protocol that's mentioned in the complaint,
6 and then there's everything else. But those are specifically
7 called out as proprietary portions.

8 And again, every time that they, for example, use
9 our code, our whole firmware after breaching the license
10 agreement, they're -- they're making unauthorized use of our
11 copyrighted code; and that's an act of copyright infringement.

12 THE COURT: Okay.

13 MR. BERTIN: But those are the four matters.

14 THE COURT: If -- what is the proprietary user
15 interface software? Could you go to the code and say, "Okay.
16 These 1s and 0s are proprietary user interface"?

17 MR. BERTIN: Yes.

18 THE COURT: And can you go to your code and say,
19 "Here are the 1s and 0s that's configuration code, and here's
20 the 1s and 0s that are calibration code"?

21 MR. BERTIN: Yes. They're the same.

22 THE COURT: Do any of your claims depend on things
23 that are done to your code that is derivative of the public
24 use code?

25 MR. BERTIN: None of our claims depend on that. We

1 those two buckets.

2 THE COURT: Okay. Very good. Any final thoughts?

3 MR. BERTIN: Yeah. I think it would be news to a lot
4 of people in the world if information is not copyrightable.
5 There are --

6 THE COURT: Isn't it the expression of information
7 and not the information itself that's copyrightable?

8 MR. BERTIN: Well, information includes -- includes
9 the expression; but, yes, expressions of information,
10 information is copyrightable.

11 THE COURT: No. You just said two completely
12 different things.

13 MR. BERTIN: Well, I'm agreeing with you that an
14 expression of information is copyrightable.

15 THE COURT: Okay.

16 MR. BERTIN: Okay. But -- okay. In terms of -- in
17 terms of this being a wide-open exercise, we've asserted --
18 which it's not, we've asserted two very specific versions of
19 Ubiquiti copyrights that are infringed, the registered
20 versions 5.2.1 and 5.3. We've -- the registrations
21 themselves, which are attached to the complaint, exclude
22 license and materials, previous versions. And they're
23 directed to new and revised computer code. It's not an
24 open-ended exercise.

25 And we've identified already several things. We've

1 identified configuration and calibration information, which is
2 part of the firmware code, in our -- in our complaint. We've
3 identified user interface in our complaint. We've identified
4 the AirMAX radio. And we've identified that when they --
5 we've identified multiple ways in which they've directly
6 infringed our copyright. And we've also identified inducement
7 and contributory infringement in here.

8 But in terms of the copyright infringement, we've
9 given several examples. So, they breached by
10 reverse-engineering, by copying, by modifying, by changing or
11 deleting the user interface. And all of these are laid out.
12 I mean, we've locked into the complaint the provisions of the
13 agreement, license agreement that they're violating.

14 All use of our firmware after that is in violation of
15 our copyright. They were supposed to destroy it and not use
16 it. They haven't done that. In fact, they're using it --
17 they're running around using it all over the place including
18 in demonstrations. That's unauthorized use of our copyrighted
19 code.

20 So, we've identified multiple sections. We've
21 identified public display and public performance. We've
22 identified unauthorized use of our code by using the user
23 interface. And we've identified how they've induced people to
24 use their code, which copies portions of our code, deletes
25 others, causes them to violate our license agreements, and

1 MS. HERRINGTON: January 28th.

2 THE CLERK: 9:15 a.m.

3 MR. BERTIN: That works for me.

4 MS. HERRINGTON: That's a Monday, is that correct?

5 THE CLERK: Yes.

6 MS. HERRINGTON: Thank you.

7 MR. GUY: Thank you, your Honor.

8 MR. BERTIN: Thank you, your Honor.

9 MS. HERRINGTON: Thank you, your Honor.

10 THE COURT: Thanks.

11 (Which were all the proceedings heard.)

12 CERTIFICATE

13 I certify that the foregoing is a correct transcript from
14 the record of proceedings in the above-entitled matter.

15

16 */s/Charles R. Zandi*

December 12, 2018

17 Charles R. Zandi
18 Official Court Reporter

Date

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